

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



October 28, 1999

ALL COUNTY INFORMATION NOTICE NO. I-82-99

TO: ALL COUNTY WELFARE DIRECTORS
ALL WELFARE TO WORK COORDINATORSREASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order
- ☐ Clarification Requested by One or More Counties
- ☒ Initiated by CDSS

SUBJECT: MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES

This correspondence is intended to share information that may help counties develop and implement innovative strategies for addressing the low number of referrals to mental health and substance abuse services. In addition, this notice is to clarify the allowable uses of the mental health and substance abuse allocation and to share information in the areas of privacy and confidentiality, screening, and referral/assessments for the provision of mental health and substance abuse services.

Because of increasing concerns about the low number of California Work Opportunities and Responsibility to Kids (CalWORKs) recipients receiving referrals, assessment or treatment for mental health and substance abuse issues, Assemblywoman Dion Aroner convened a round table discussion that included representatives from approximately 11 counties, county mental health, alcohol and other drug, and social services agencies. The purpose of the discussion was to obtain information from counties about the implementation of mental health and substance abuse services at the local level; what recipient responses and attitudes about these services appear to be; and what types of systems counties have for the provision of treatment services. The discussion clearly indicated that counties are engaged with the issues, and are taking steps to resolve the low referral rate. However, it also indicated that there is a lack of information out in the communities. There is a concern that clients are not aware of, or are not sure of the changes taking place in the CalWORKs program that are more client centered.

ALLOWABLE USE OF FUNDS UNDER CalWORKs:

Assembly Bill 1542 allows for a separate annual appropriation in the Budget to support prevention and treatment of mental health and substance abuse barriers for CalWORKs recipients. For Fiscal Year 1999/00, counties were allocated funds for this purpose from the State General Fund (SGF), which will be used for maintenance of effort (MOE)

purposes. Counties may use their mental health and substance abuse allocations to develop and expand services for CalWORKs recipients with welfare-to-work plans that include participation in mental health and/or substance abuse services. These funds may also be used for non-traditional or innovative services that may not be eligible for other sources of funding, such as Medi-Cal. Counties also have the flexibility to transfer the funds between these two programs during the year.

Services may include, but are not limited, to:

- Evaluation/Assessment and Case management
- Treatment, including rehabilitative services, employment counseling and provision of community service jobs
- Treatment for family members, if the mental health or substance abuse problem interferes with ability to participate in the welfare-to-work program
- Outreach and Marketing of services
- Capacity building

In addition to the mental health and substance abuse allocation, counties may also use their CalWORKs Single Allocation to provide mental health and substance abuse services. However, counties opting to use their CalWORKs Single Allocation on mental health and substance abuse services must ensure that the services provided are non-medical (e.g., intensive day treatment, outpatient drug free treatment, and residential treatment).

Many counties are implementing new and innovative services through the flexibility allowed with current funding sources. Here are some ways counties are utilizing their funds:

- Community outreach designed to engage non-responsive participants, as well as to identify participants with substance abuse or mental health needs early in the welfare-to-work process.
- Co-locating substance abuse and mental health staff with CalWORKs staff allowing immediate access to professionals.
- Expanding residential treatment services for mothers and their children.

PRIVACY AND CONFIDENTIALITY

Parents' fears of being stigmatized for having a mental health and/or a substance abuse problem and that their children may be removed from their homes have been identified as major reasons why CalWORKs recipients do not disclose their mental health and/or substance abuse problems and volunteer for treatment services. These fears may be diminished if county staff are adequately trained on and comply with the laws governing privacy, confidentiality and information sharing among CalWORKs staff and agencies

and between agencies and providers, and with the law governing reporting to Child Protective Services (CPS) agencies. Fears may also be allayed if CalWORKs recipients are informed of the rules protecting the privacy of the information they provide and of the requirements for CPS reports, and if the place and environment in which CalWORKs interviews are conducted is consistent with the guarantee of confidentiality. Counties are encouraged to provide information regarding substance abuse and mental health services in a non-threatening manner and to provide a safe, private physical space for disclosing information, including:

- Displaying posters, and other materials regarding substance abuse and mental health;
- Discussing confidentiality during informational sessions, including any legally required disclosures; and
- Making telephones available for those who have disclosed to safely and privately call resources.

Each county is encouraged to consider training CalWORKs eligibility workers, contractors, case managers, and other staff who work closely with CalWORKs participants on:

- The laws regarding confidentiality of information disclosed by CalWORKs recipients, the criteria for mandated reporting of child abuse and neglect, the criteria for mandated reporting to law enforcement, and how to determine when a report must be made; and
- How to explain to CalWORKs recipients the privacy and confidentiality protections that apply to them, the rules on mandated reporting and how to respond to participants' concerns about mandated reporting and the possible consequences of a report.

Eligibility workers, case managers, and other CalWORKs staff are required to make reports to CPS when, as mandated by state law, "...the person has knowledge of or observes a child in his or her professional capacity, or within the scope of his or her employment who he or she knows or reasonably suspects has been the victim of child abuse..." (P.C. 11166 [a]). A CalWORKs recipient's self-disclosure that he or she has a mental health or substance abuse problem, in itself, may not be sufficient basis for a CPS report.

Each county is strongly encouraged to develop procedures, policies, and written materials to ensure that CalWORKs recipients are accurately informed about privacy and confidentiality.

Counties are also encouraged to work with their mental health and substance abuse partners to handle confidentiality within the limits of existing federal and

state laws and then request their local county counsel's approval of their proposal. A valid consent or release of information form must specify the following:

- Name of participant;
- Name of program/organization providing information;
- Purpose of exchange of information;
- Who is to receive information;
- Information to be released;
- Acknowledgement that participant understands he or she may revoke consent at any time, and that the revocation may be oral or written;
- Date and conditions upon which consent expires;
- Date the consent form is signed; and
- The signature of participant.

SCREENING/REFERRALS/ASSESSMENTS:

California statute requires county welfare departments (CWDs) to refer CalWORKs recipients with suspected mental health or substance abuse problems to the county mental health and alcohol and other drug agencies for an assessment. However, if the CWD has determined that the county mental health or alcohol and drug program is unable to provide the needed services, the CWD may contract out for services. Contracts to obtain substance abuse services must be with a nonprofit state-licensed narcotic treatment program, residential facility, or certified nonresidential substance abuse program.

The structure or design of the local CalWORKs program can influence outcomes, including the number of applicants, the number of referrals for assessment to determine if an individual is in need of services, and the number of individuals who participate and complete treatment services. Areas that may effect implementation efforts include:

- The manner in which the identification, referral and assessment process is implemented;
- The nature and extent of co-location of mental health and/or substance abuse staff;
- The extent of outreach and marketing efforts conducted by the program;
- The extent to which services are integrated, whether services are provided "in-house" or via referral to other providers; and
- The extent of the relationship between CalWORKs and child welfare staff.

Although recipients may have multiple opportunities to self-disclose, counties are encouraged to design programs that allow for multiple entry points and access to services. Some counties have found that effective delivery systems include those that maximize the team approach by co-locating staff. Many counties discovered this after program implementation, and have recently began co-locating of staff. Co-location could provide a "seamless" transition to mental health and substance abuse services, help to

remove participant fears, and increase the number of people served. For example, Sonoma County experienced an increased referral rate from 5% to 10% each for mental health and substance abuse treatment after co-location of staff. Additionally, if staff is co-located, they may be available to provide consultation or a non-investigative approach to assessment when an individual is not complying with program requirements. Counties also may want to provide CalWORKs workers with immediate access to mental health or substance abuse staff, so that CalWORKs staff can quickly bring in an expert to participate in client interviews, whenever necessary.

In addition to co-locating, another important component is the use of outreach and marketing efforts. Some specific targeted marketing of the availability of substance abuse and mental health services for CalWORKs participants should occur. Some marketing strategies could include:

- Regular television, radio, and print media
- Culture/language specific media
- Targeted billboards
- Meetings with ethnic/cultural groups, schools, and churches
- Community newsletters
- Video and audio feeds in county offices
- Ethnic/cultural events
- Marketing materials (e.g., posters, handouts)

The Departments of Social Services, Mental Health, and Alcohol and Drug Programs, in conjunction with representatives from County Welfare Directors Association, County Mental Health Directors Association, and the County Alcohol and Drug Programs Administrators Association of California are developing protocols for serving CalWORKs recipients with mental health and substance abuse problems. The purpose of the protocols is to assist CWDs, mental health and substance abuse treatment providers, and local officials who are involved with implementing the CalWORKs program, to effectively remove mental health and substance abuse barriers to employment. These protocols will also include state-issued guidelines for making referrals to Child Protective Services. We expect to release the protocols in late 1999.

If you have any questions please contact, your Work Support Services program county analyst at (916) 654-1424.

Sincerely,

***Original Signed By
Jo Weber on 10/28/99***

JO WEBER, Chief
Work Services and Demonstration Projects Branch